Attorney Docket: 20973-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tazwell L. Anderson, Jr.	:	
	:	Art Unit: 2623
Serial No.: 10/630,069	:	
	:	Examiner: Vu, Ngoc K
Filed: July 30, 2003	:	
	:	
For: ELECTRONIC HANDHELD AUDIO/VIDEO RECEIVER AND LISTENING/VIEWING DEVICE	:	

APPELLANTS' BRIEF

Mail Stop: Appeal Brief - Patents
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A Notice of Appeal in this Application was first filed on August 27, 2008. The Appeal Brief was filed on October 22, 2008 and a Supplemental Appeal Brief filed on December 2, 2008 in response to a Notice of Non-Compliant Appeal Brief dated November 7, 2008. The Appeal Brief was resubmitted in response to the Notice of Non-Compliant Appeal Brief dated March 2, 2009. In response thereto, prosecution was reopened in an Office Action dated July 9, 2009. Applicant is now appealing the new grounds of rejection in the July 9 Office Action.

Hence, a second Notice of Appeal was filed on October 9, 2009 in response to the Office Action dated July 9, 2009. The present Appeal Brief is being filed on November 17, 2009.

Table of Contents

This brief contains the following sections under the headings and in the order set forth below.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is IMMERSION ENTERTAINMENT, LLC having an address at 2931 Paces Ferry Road, Suite 150, Atlanta, GA 30339.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which will directly affect, or be directly affected by, or have a bearing on, the decision in this pending appeal.

III. STATUS OF CLAIMS

Presently, claims 2, 5, 6, 9, 11, 13, 20, 22, 23 and 26-45 are pending in the subject application. Claims 1, 3-4, 7-8, 10, 12, 14-19, 21 and 24-25 are cancelled. Claims 2, 5, 6, 9, 11, 13, 20, 22, 23 and 26-45 stand rejected. Claims 2, 5, 6, 9, 11, 13, 20, 22, 23 and 26-45 are being appealed.

IV. STATUS OF AMENDMENTS

A Final Office Action was mailed on May 2, 2008 rejecting all of the pending claims (claims 2, 5, 6, 9, 11, 13, 20, 22, 23 and 26-45). A Notice of Appeal was filed on August 27, 2008, and an Appeal Brief was filed on April 9, 2009. On July 9, 2009, a new Office Action was mailed, indicating that prosecution was reopened. The July 9 Office Action sets forth a new grounds of rejection which is now the subject of this appeal. No claim amendments were filed subsequent to the May 2, 2008 Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following summary does not limit, in any manner whatsoever, the claim interpretation. Rather, the following summary is provided only to facilitate the Board's understanding of the subject matter of this appeal.

Various embodiments of the invention relate to a portable wireless handheld device used in connection with an audio/video system to receive and process video and/or audio signals. The device displays images to a user or produces sound audible to the user and provides for capturing and storing images or continuous video (Abstract). More specifically, the invention is defined claim-by-claim as set forth below with drawing reference numerals and supporting paragraph citations from the present application..

Independent claims 26, 31, 32 and 33 generally concern a portable wireless handheld device 12′ (Figure 3) to be used at an event by a user while watching the event live (paragraph 9). The portable wireless handheld device comprises a receiver 60 to receive video content transmitted wirelessly to the receiver 60 (paragraph 29). The video content 14 is generated by a plurality of cameras located at the event and the video content relates to the event (paragraph 21). The device 12′ further comprises a user interface 67 has inputs to permit a user to select the video content 14 from at least one of the plurality of cameras (paragraph 32).

The device 12′, further comprises a processor 62 selectably operated by a user to select video content from at least one of the plurality of cameras, and a display 64 to display video content from at least one of the plurality of cameras selected by the user (paragraph 32). The receiver 60 is configured to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device 12′ about the event and choose where to view the video content selected by the user while roaming at the event during the event (paragraph 40).

Claim 26 further defines the device 12′ to comprise a memory component 66 to store a user-designated portion of the video content, wherein the user-designated portion of the video content to be stored in the memory component 66 is selected and entered by the user through the user interface 67 (paragraph 37). The user interface 67 of claim 26 also has an input to permit the user to select, for storage in the device, a user-designated portion of the video content from the selected one of the plurality of cameras (paragraphs 32, 33, 34 and 37).

Claim 31 differs from claims 26, 32, and 33, in that claim 31 further recites an optics system 70 that, when directed toward the local event, provides binocular functionality to produce magnified video content separate and independent from the video content produced by the plurality of cameras and received by the receiver 60 (paragraphs 29 and 35). Claim 31 further defines the user interface 67 to have inputs to permit a user to select the video content from at least one of the plurality of cameras and the magnified video content from the optics system, (paragraph 34). Claim 31 further defines the display 64 to display video content from at least one of the plurality of cameras selected by the user and to display the magnified video content from the optics system 70 (paragraph 32).

Claim 32 differs from claims 26, 31 and 33, in that claim 32 further recites that the device 12′ comprises a digital camera 70, 80, 82, provided in the handheld housing 12′, for capturing at least one of images and video (paragraphs 34 and 44) and that the processor 62 operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, and a digital camera mode (paragraph 47).

Claim 33 differs from claims 26, 31 and 32, in that claim 33 further defines the receiver 60 provided in the handheld housing, to wirelessly receive live local event-related video content and live remote event-related video content, the live local event-related video content being generated by a plurality of cameras located at the local event and relating to the local event, the live remote event-related video content being generated at the remote event and relating to the remote event (paragraphs 22, 46 and 48), wherein the receiver 60 is configured to receive the live local and remote event-related video content while at the local event and where the local event is

occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view a selected one of the live local and remote event-related video content while roaming at the local event during the local event (paragraph 40).

Claim 33 also recites a digital camera 70, 80, 82 provided in the handheld housing 12', for capturing at least one of images and video (paragraphs 34 and 44). Claim 33 requires that the user interface 67 have inputs to permit a user to select between the live local event-related video content and the live remote event-related video content and to have inputs to operate the digital camera (paragraphs 32, 46 and 47). Claim 33 requires the display 64 to display the live local event-related video content when selected by the user, display the live remote event-related video content when selected by the user, and display the at least one of images and video captured by the digital camera when selected by the user (paragraphs 43, 46 and 47).

Claims 38, 40 and 42 depend from claims 33, 35 and 36, respectively, and further provide that the local and remote events constitute a common type of sporting event (paragraph 46).

Claims 39, 41 and 43 depend from claims 33, 35 and 36, respectively, and further provide that local and remote events both constitute football games (paragraph 46).

Claim 2 depends from claim 26 and provides that the receiver 60 is configured to receive audio signals 15 relating to the event, and further comprising an audio component 63 configured to provide event content for listening based upon at least one of the audio signals 15 selected by a user (paragraph 29).

Claim 5 depends from claim 26 and provides that the memory component 66 is controlled by the user interface 67 to access and replay the stored user-designated portion of the event-related video content 15 on the display 64, thereby permitting the user to review again and again, as desired, the stored user-designated portion of the video content independent of new live video content received by the receiver 60 (paragraph 37).

Claim 6 depends from claim 26 and further provides that the memory component 66 is a removable memory module configured to allow for downloading of the stored user-designated

portion of the event content 15 to an external device (paragraph 37).

Claim 9 depends from claim 26 and provides that the processor 62 operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, a digital camera mode and a camcorder mode (paragraph 47).

Claim 11 depends from claim 26 and comprises an optics system 70 provided as part of a housing to capture images of the event when directed toward the event (paragraph 29 and 35).

Claim 13 depends from claim 26 and further comprises an optics system 70 provided as part of a housing to capture images of the event when directed toward the event, the optics system 70 comprising a charge coupled device and being configured to provide a plurality of magnified modes of operation (paragraph 35).

Claim 20 depends from claim 26 and provides that the display 64 is configured for viewing by a user when engaged with the user's face (paragraph 28 and 36).

Claim 22 depends from claim 31 and provides that the processor 62 is configured to provide conditional access to the event content based upon a unique access code.

Claim 23 depends from claim 31 and further comprises a user input 67 selectably operable by a user to control the images and sounds provided to the display and audio system (paragraph 47).

Claim 27 depends from claim 26 and provides that the user interface 67 permits the user to selectively store single individual images, to be reviewed again and again on the display as desired by the user (paragraph 37).

Claim 28 depends from claim 26 and provides an optics system 70 that, when directed toward the event, provides binocular functionality, the display displaying video content from the receiver when in a video viewer mode and a magnified view of the event as detected by the optics system when in a binocular mode (paragraph 29 and 37).

Claim 29 depends from claim 26 and further provides an optics system 70 that, when

directed toward the event, provides binocular functionality, the display 64 displaying a magnified view of the event as detected by the optics system when in a binocular mode, the user interface including inputs to select between different magnification levels at which the magnified view of the event is presented on the display (paragraph 35).

Claim 30 depends from claim 26 and provides an optics system 70 to detect user-controlled video content separate and independent from the video content produced by the plurality of cameras and received by the receiver (paragraph 29 and 37).

Claim 34 depends from claim 33 and provides that the processor 62 operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, a binocular viewer mode, a digital camera mode and a camcorder mode (paragraph 47).

Claims 35-37 depend from claims 26, 31 and 32, respectively, and further provide that the receiver 60 wirelessly receives live remote event-related video content generated at a remote event and relating to the remote event, the remote event occurring simultaneously with the local event, the remote event occurring at a venue remote from the local event, the display 64 displaying the live remote event-related video content when selected at the user interface (paragraphs 22, 24 and 46).

Claims 44 and 45 depend from claims 33 and 32, respectively, and provide that the digital camera 70, 80, 82 further comprises a charge coupled device as part of the handheld housing to capture the images of the event when directed toward the event, the charge coupled device being controlled by the processor to provide a zoom capability (paragraph 35).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 6, 26, 35, 40 and 41 are unpatentable under 35 U.S.C. § 103(a) over McClintock (USP 5,598,208) (hereinafter "McClintock") in view of the Sony S50 Operating Instructions Manual (hereinafter "the Sony S50 Manual").

Whether claim 2 is unpatentable under 35 U.S.C. § 103(a) over McClintock in view of the Sony S50 Manual and further in view of Freeman (USP 7,448,063) (hereinafter "Freeman").

Whether claims 5 and 30 are unpatentable under 35 U.S.C. § 103(a) over McClintock in view of the Sony S50 Manual and further in view of Miron (USP 4,665,438) (hereinafter "Miron").

Whether claims 9, 11, 13, 20, 22, 27-29, 31-34, 36-39 and 42-45 are unpatentable under 35 U.S.C. § 103(a) over McClintock in view of the Sony S50 Manual and further in view of Kelly (USP 5,986,803) (hereinafter "Kelly").

Whether claim 23 is unpatentable under 35 U.S.C. § 103(a) over McClintock in view of the Sony S50 Manual and further in view of Kelly and further in view of Freeman (USP 7,448,063) (hereinafter "Freeman").

VII. ARGUMENT

McClintock's Teachings

Each outstanding rejection relies on McClintock as the base reference. Hence, the discussion begins with an overview of McClintock. McClintock describes a video viewing and recording system which permits the user to participate in an event while recording **the user's participation in the event** (Abstract). McClintock describes, in the Background section, the problem that McClintock seeks to overcome as follows at Col. 1, line 41 to Col. 2, line 17:

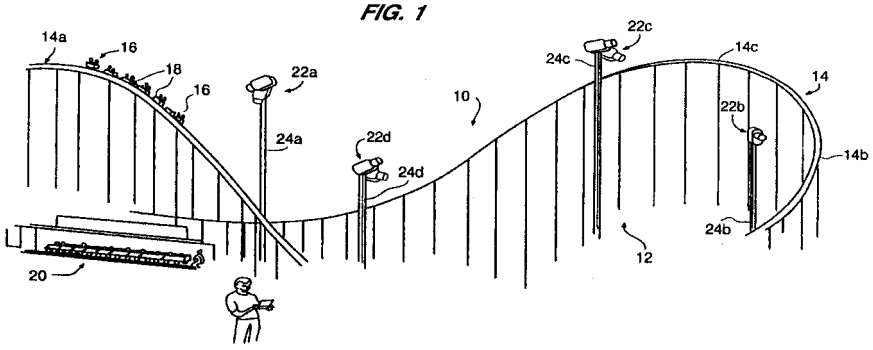
> When visiting public locations or public events, such as carnivals, amusement parks, sporting events or the like, it is often desirable to record the occasion through use of photographic or video recording media. Thus, it is common for visitors to such public locations and events to bring photographic or video recording equipment with them for the purpose of recording specific activities during the occasion of such a visit. . . . .
>
> However, it is often difficult, or even impossible, to capture views of a popular event because of the press of many visitors seeking commonly desirable locations which might be regarded as particularly worthy of serving as a recording site. . . . . Further, many activities may take place within confines which may not be generally accessible or otherwise viewable by the operator of the photographic or video equipment, or in which such recording is prohibited because of proscriptions against recording without license from a performer or relating to the performance.
>
> ....For example, in the case of an amusement ride, such as a roller coaster, extraneous items such as cameras and video recorders may not be permitted on the ride for various reasons, such as safety. . . . . As a specific example, a parent of a younger child might wish to record the child's ride on a circus animal, such as an elephant, for example; however, the remoteness of ground level locations away from the path of the elephant's ride precludes close-up shots of the child's enthusiastic reactions.

McClintock seeks to overcome the above problems by providing a system that permits visitors (e.g. parents) to events (e.g. amusement parks and carnivals) to record views of participants (e.g. children). The first object of McClintock's invention is providing a video recording system having cameras remotely located along a venue for providing images at a viewing station wherein a user can record those images with the user's personal video camera

(Col. 2, lines 61-66). Another object of McClintock's invention is "to permit the user to participate in the event and to be recorded doing so." (Col. 2, line 66 to Col. 3, line 1). A further object is "to ensure that the user's recording equipment is kept secure during the user's visit to the venue." (Col. 3, lines 1-3).

McClintock's first embodiment is described in connection with an amusement park as illustrated below in Figure 1 from McClintock.

FIG. 1



McClintock describes how the system would be implemented in connection with a roller coaster at an amusement park as follows at Col. 5, lines 3-45:

> Thus, a camera 22a, for example, may be fixed to view riders 16 in cars 18 at a top level of the track 14 where customers are expectantly awaiting the thrill of the forthcoming descent along the rail 14a. Alternatively, the camera 22a can be programmed to zoom in on the faces of the riders 16, and/or programmed to pivot (i.e. to pan or tilt) to maintain the riders 16 in focus for a prolonged period of time compared to a fixed camera position. If desired, at least one video camera could be placed on the lead roller coaster car 18, for example, and its output provided by wireless link to a monitoring location in a manner similar to cameras mounted on racing cars.
>
> Similarly, the video camera 22b is positioned to view the riders at an ascending portion of the roller coaster at a path position along the rail 14b spaced from the camera 22a. Representatively, the video camera 22c is positioned at the top of the roller coaster path, spaced at a path position along the rail 14c spaced from the camera 22b. In addition,

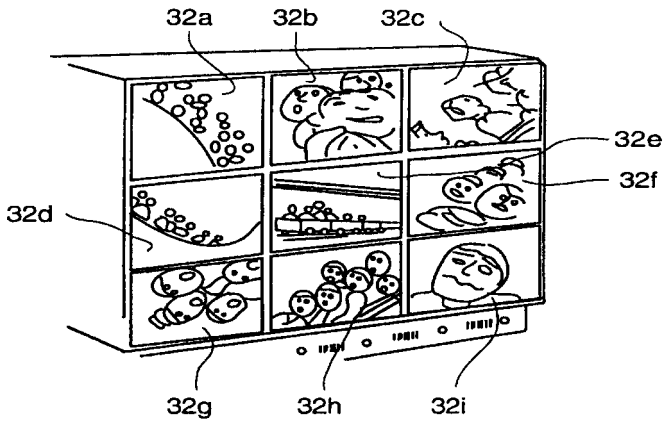
the camera 22d is fixed downstream from the camera 22c to view the descent along the rail 14d. A greater number of cameras can also be used.

. . . . In the alternative, a microprocessor controlled system could be used to pan, tilt and zoom the respective cameras 22a to 22d to follow the action of the cars and to shift the resulting video display from one camera view to the next as the ride on the roller coaster progresses.

. . . .For example, sensors located at track level could be used to sense the position of the cars 18 and could thus provide an input to a selected camera for recording, or to a microprocessor as a sensor input to control the recording process. . . . .

In the embodiment of Figure 3 shown below, McClintock explains that each camera is connected to a monitor 32a-32n. The user can simultaneously watch all of the monitors 32a – 32n and manually select which of the camera views to record (Col. 6, lines 5-23).

FIG. 3



An important aspect of McClintock's invention is to simultaneously display video from multiple cameras in order to permit the user to quickly select in real time what video clip from each view the user desires to record. The resultant recording is a successive series of video clips that follow the participant's progress throughout the event (e.g., roller coaster ride). In each of McClintock's embodiments, the user needs to see views from multiple cameras in real-time in order to select which video clips to put in McClintock's users recording.

An important aspect of McClintock's system is to allow users to use their own video

recorders in a secure manner. To do so, McClintock implements multiple locked compartments, as shown below in Figure 6A, where individual users can lock their cameras while in use. McClintock explains that "according to this embodiment, if the operator wants to use his or her own equipment to interface with jacks/camera access, the user would open the door to a compartment, place the user's own recording equipment 106 in the compartment, and connect it with the system. The user then secures the compartment, and leaves to participate in whichever events are desired to be recorded." (Col. 6, lines 61-67).

Claim 26 is Not Obvious under 35 USC 103(a) over McClintock in view of the Sony S50 Manual

It is respectfully submitted that the Office Action fails to establish a prima facie case of obviousness as to claim 26 based on the combined teachings of McClintock and the Sony S50 Manual. Among other things, the suggested combination 1) would render McClintock inoperative for its intended purpose 2) would require McClintock's system to be fundamentally redesigned, 3) has no rational underpinning to make such changes and 4) relies on improper hindsight.

Independent claim 26 generally concerns a portable wireless handheld device to be used at an event by a user while watching the event live (paragraph 9). **The portable wireless handheld device comprises a receiver 60 to receive video content transmitted wirelessly to the receiver 60** (paragraph 29). The video content 14 is generated by a plurality of cameras located at the event and the video content relates to the event (paragraph 21). The device further comprises a user interface 67 that has inputs to permit a user to select the video content 14 from at least one of the plurality of cameras (paragraph 32).

Claim 26 further defines the device to comprise a processor 62 selectably operated by a user to select video content from at least one of the plurality of cameras, and a display 64 to display video content from at least one of the plurality of cameras selected by the user (paragraph 32). **The receiver 60 is configured to receive the video content while at the event and where**

the event is occurring, thereby permitting the user to carry the portable wireless handheld device about (paragraph 40).

Claim 26 further defines the device to comprise a memory component 66 to store a user-designated portion of the video content, wherein the user-designated portion of the video content to be stored in the memory component 66 is selected and entered by the user through the user interface 67 (paragraph 37). The user interface 67 also has an input to permit the user to select, for storage in the device, a user-designated portion of the video content from the selected one of the plurality of cameras (paragraphs 32, 33, 34 and 37).

Among other things, McClintock does not teach or suggest a portable wireless handheld device having a receiver **to receive video content transmitted wirelessly to the receiver**. Nor does McClintock teach or suggest a portable handheld device having a receiver **to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about.** Claim 26 requires the handheld device to have the receiver and to receive video content that is wirelessly transmitted to the receiver.

The Office Action maintains at page 4 that McClintock teaches a handheld device 254 at Col. 9, line 27 to Col. 10, line 5 and in Figure 9, that includes all of the limitations of claim 26, except a wireless receiver. The Office Action concedes at page 5 (last paragraph) that McClintock's handheld device 254 does not have a wireless receiver. Instead, the Office Action notes at page 4 that the embodiment of Figure 9 transmitted video signals wirelessly from cameras 258, 260, 262 and 264 to a system signal receiving and control station. McClintock's control station is connected by a physical cable 256 to the handheld device 254. Figures 9 and 10 of McClintock and the related text at Col. 9, line 27 to col. 10, line 5 are produced hereafter to better illustrate McClintock's teachings.

A second embodiment of the invention utilizes real time "editing" of various perspectives/views of a particular event. For example, as depicted in FIG. **9**, a user **252** is provided with a modified recording device **254**, such as a modified Video Walkman® VCR, which is connected by wire to camera feeds. Preferably, this connection utilizes a cable **256** with specially adapted terminals to prevent unauthorized use. Alternatively, access can be limited to authorize uses by restricting access to particular locations, thereby eliminating the need for special terminals.

Using the modified Video Walkman® **254**, the user can select which camera feeds **258**, **260**, **262**, **264** are to be recorded as video signals from the camera feeds are received and monitored. The user monitors each view with a split screen or picture within picture ("PIP") effect. Various techniques for implementing a super imposed or PIP effect are known and include those described in U.S. Pat. Nos. 4,746,983, 4,862,269, 4,620,229 and 4,821,102, the disclosures of which are hereby incorporated by reference. FIG. **10** depicts such a modified Video Walkman® VCR **254** having a split screen **266** and record start buttons **268** and record stop buttons **270** for each of four views. For example, if the record start button **268** for view 1 is selected, the signal fed from a camera providing view 1 would be supplied to the VCR and recorded there. If stop is depressed, the recording operation will be interrupted.

The system shown in FIG. **9** could be used to record an event such as the Indianapolis **500**. According to this example, the user sits in the stands or at a remote site with a Video Walkman® VCR modified to display various views, and thereby monitors various camera perspectives in real time. For example, one camera view showing a blimp view **258** (overhead of track camera) might be displayed on one area of the monitor. Another camera **262** providing a particular driver's view might be shown on another area. Other cameras might similarly provide other drivers' views **264**. Still another camera **260** might provide a view of the finish line at ground level. The user **252** would monitor a split screen display of all these views and choose via the record control panel which view to record. This permits the user to change instantaneously which view is being recorded. The end result is a customized version of an event on a user's topic with views not available if the user had just used his own camera/camcorder equipment from a normal spectators' perspective.

FIG. 9

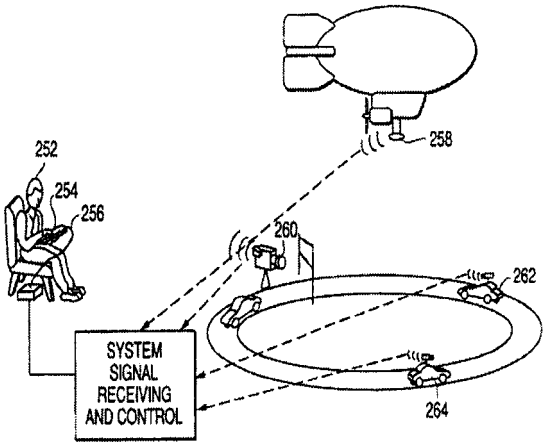
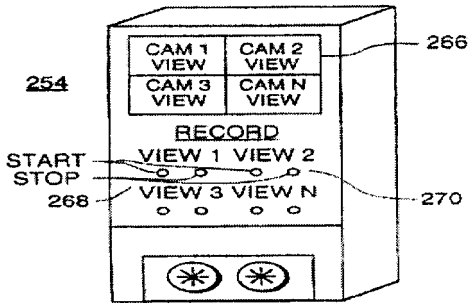


FIG. 10

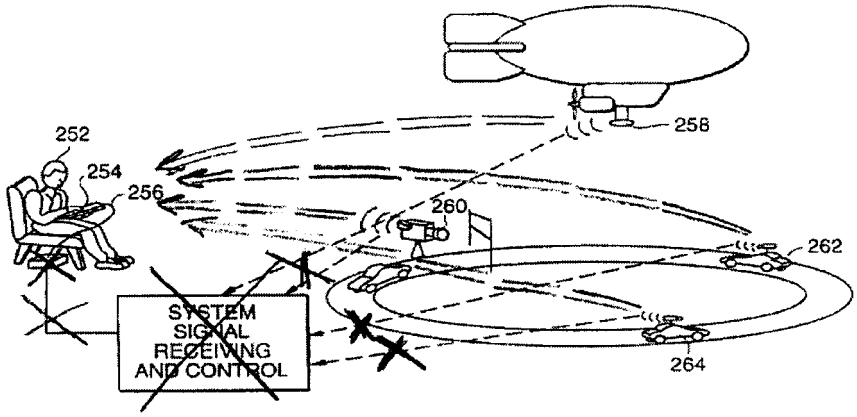


While the Office Action acknowledges that McClintock's device 254 lacks a wireless receiver, the Office Action goes on to reason that "It would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of McClintock with the Sony S50

Manual invention, to receive video signals wirelessly in order to enhance the mobility of the viewer/spectator." (Page 6, first paragraph, of the Office Action). As illustrated above from Figure 9, McClintock's individual video cameras include transmitters that wirelessly transmit camera feeds to the control station. The control station reformats and combines the incoming camera feeds into split screen to co-display four views and provide the split screen signals over hardwired cable 256 to video recorder 254. McClintock's control station does not include wireless transmitters and McClintock does not describe an infra-structure that would support wireless transmission from the control station. Further, the Office Action does not suggest modifying McClintock's control station, but instead notes that McClintock's cameras 258, 260, 262 and 264 are connected to the handheld device 254 through a cable 256 (page 4, second paragraph).

The Office Action maintains that it would have been obvious to entirely remove and bypass the control station and instead have the individual cameras wirelessly transmit camera views directly to the video recorder 254. To better illustrate the alleged modification to McClintock, a modified version of Figure 9 is set forth below to show the proposed modification to McClintock's system.

McClintock's Alleged Modified System As Maintained in 7/9/09 Office Action



As illustrated above, the signal receiving and control station has been entirely removed and the wireless signals from McClintock's cameras 258-264 are directly transmitted to McClintock's recording device 254. **Such a modification would be in-operative.** The event illustrated in Figure 9 is a car race, such as the Indianapolis 500 (Col. 9, lines 54-56). Therefore, the cameras on the individual cars and located about the track are provided at event in which the cars are moving extremely fast over a large area and in an environment that is highly adversarial to transmission of wireless signals. There is a significant amount of interference in the available wireless frequency ranges. The drivers/pit crews use a large amount of the available wireless frequency range. It would be practically impossible to maintain reliable video streams from multiple individual cars to McClintock's recorder.

It is submitted that the suggested modification to McClintock would be entirely inoperative for McClintock's intended purpose. McClintock's original system contemplated providing a recording device 254 (as illustrated in Figure 10 of McClintock) on which a selected combination of camera feeds would be displayed simultaneously in co-displayed split screen views (e.g., camera 1 through camera N views) (Col. 9, lines 38-53 of McClintock). McClintock's recording device 254 has a split screen 266 with record start buttons 268 and record stop buttons 270 for each of 4 views (Col. 9, lines 46-48). When the record start button 268 from view 1 is selected, the signal fed from a camera providing view 1 would be supplied to the VCR and recorded. When the stop button is depressed, the recording would be interrupted (Col. 9, lines 48-52). McClintock's recording device permits the user to monitor various camera perspectives in real time and choose through the record control panel which view to record (Col. 9, lines 55-67). McClintock states that the recording device "permits the user to change instantaneously which view is being recorded." (Col. 9, lines 67 to Col. 10, line 1). Through the provision of a split screen system that allows instantaneous changes between views recorded, McClintock provides an "end result is a customized version of an event on a users topic with views not available if the user had just used his own camera/camcorder equipment from a normal spectators perspective." (Col. 10, lines 1-5).

If McClintock's recording device were modified as proposed in the Office Action, the foregoing split screen display functionality would be entirely removed and would no longer be available to the user. The modified recorder could not provide a split screen view of multiple cameras at the same time. The modified recorder could not permit the user to change instantaneously between views and could not allow the user to create a customized version of the event.

The Office Action relies on a secondary reference, the Sony S50 Manual, as the basis for the modification. The Sony S50 Manual describes a recording device that is capable of being connected to a TGV-3 tuner timer unit. The TGV-3 tuner represents a TV tuner that is able to be tuned to TV broadcast frequencies to watch TV programs. The TGV-3 tuner is only capable of receiving a single broadcast frequency at one point in time which would include a single video signal from one of cameras 258, 260, 262 and 264 at any one point in time. The TV tuner is not capable of simultaneously tuning to multiple TV channels, reformatting multiple video signals and co-displaying split screen multiple programs. It is fundamental to McClintock's embodiment of Figure 9 that the recording device be able to simultaneously display, in real time, multiple camera views. To do so, McClintock's system must utilize a signal receiving and control station which receives, reformats and combines the multiple signals from the cameras and provides them over a physical cable to the recording device 254. Simply adding a TV tuner to McClintock's recording device 254, would not enable the recording device 254 to view multiple camera feeds simultaneously and in split screen. Instead, the proposed modification would limit the recording device 254 to displaying the single camera view received by the TV tuner which would not permit McClintock's user to achieve the intended purpose of viewing multiple views in real time and changing instantaneously between views to customize an end program. Thus, the combination of McClintock and the Sony S50 Manual would render McClintock's system inoperative for its intended purpose.

Moreover, there is no legitimate reason to make the numerous additional modifications that would be needed to sustain McClintock's intended purpose. Such modifications would be a

fundamental redesign of McClintock's system. First, television broadcast frequencies could not be used because TV frequencies are highly regulated and controlled by the FCC. McClintock would not be granted authorized use of any television broadcast frequency for an individual event. Thus, the cameras used in McClintock's embodiment of Figure 9 would not be permitted, under FCC regulations, to broadcast within the television broadcast range. Therefore, the TV tuner of the Sony S50 Manual would not be able to receive McClintock's camera feeds because the cameras within McClintock's event could not broadcast within the frequency range at which the Sony S50 Manual is tuned to receive. There is no teaching or suggestion for how to modify the TV tuner, nor why to modify the TV tuner. Also, once modified, it is not clear whether the TV tuner would thereafter only be useful with McClintock's system. In other words, returning the reception frequency of the TV tuner could mean that the TV tuner would no longer be able to tune to TV programs.

Further, the transmitters at McClintock's cameras and the modified receiver in the modified recording device 254 would be limited by FCC regulations as to how much power these devices could utilize to transmit and receive. Federal guidelines limit transmission power and frequency ranges to avoid interference with other wireless networks within an area. McClintock's cameras on the cars, around the track and on an aircraft above a racetrack would not be permitted to transmit with sufficient power to convey a reliable video stream to a portable device such as McClintock's recorder 254. Therefore, even if the TV tuner of the Sony S50 Manual were added and even if the TV tuner were modified to receive frequencies outside the TV broadcast frequencies, the receiver would not be able to detect the signals from the cameras with sufficient strength or without interruption. Thus, simply adding multiple TV tuners to McClintock's recording device 254 and retuning these TV tuners to an FCC licensed frequency range, still would not be enough to enable the recording device 254 to reliably receive multiple direct camera feeds from the cameras located about McClintock's event.

McClintock's original system avoids the foregoing disadvantages and problems by providing a signal receiving and control station that has multiple fixed high quality receivers

located about the event and programmed to frequency ranges dedicated to the cameras (separate and apart from TV broadcast frequencies). McClintock's original system tunes the individual camera transmitters to the corresponding frequencies. McClintock's receiving and control station collects the group of camera feeds, reformats them and retransmits them over a hardwired cable to specific authorized locations at the event where the user connects the recording device through a cable 256. The proposed modification would represent a fundamental redesign of McClintock's system.

Moreover, McClintock expressly teaches away from the use of a wireless connection to the recording devices 254. McClintock states that preferably the connection to the recording device "utilizes a cable 256 with specially adapted terminals to prevent unauthorized use." (Col. 9, lines 33-35). McClintock also explains that alternatively "access can be limited to authorized use by restricting access to particular locations, thereby eliminating the need for special terminals." (Col 9, lines 35-37). McClintock further explains that "specially constructed jacks 34 could also be used with restricted connectors 40 to ensure that only authorized persons are able to avail themselves of this service as described." (Col. 5, lines 62-64). It is clear that unauthorized access is a fundamental concern of McClintock. The modified system created in the outstanding Office Action would be unable to prevent unauthorized use because there would no longer be a specially adapted terminal connection. Also, by moving to a wireless network, McClintock would no longer be able to restrict access to particular locations. TV tuners, by the very nature of broadcast television, do not include a security mechanism to block access from unauthorized users. Thus, the modification to McClintock's system suggested in the Office Action would render at least one of McClintock's objectives unattainable absent significant additional redesign.

When the above noted practical factors are taken into consideration, it is clear that the Office Action does not establish a prima facie case of obviousness because the TV tuner in the Sony S50 Manual would be incapable of providing the video content that McClintock requires at each recording device. Instead, multiple tuners would need to be provided in each recording

device. Further, each of the multiple TV tuners would need to be re-programmed to a different non-TV frequency range that would not violate FCC regulations regarding TV broadcast frequencies. Such reprogramming may prevent the tuners from receiving TV programs. Yet additionally, the multiple reprogrammed tuners would need to be provided with sufficient reception power to maintain consistent video feeds from a plurality of moving sources within a very adversarial environment, namely a formula one racing track. It is submitted that there is no legitimate reason to so fundamentally redesign McClintock's system, not based on the teachings of McClintock, not based on the Sony S50 Manual, and not otherwise.

Further, there is no rational underpinning or other legitimate reason to so fundamentally redesign McClintock's system as suggested in the Office Action. The reason suggested in the Office Action at page 6 is "to receive video signals wirelessly in order to enhance the mobility of the viewer/spectator." This reason is not at all suggested in McClintock's, nor in the Sony S50 Manual. There is no suggestion, in McClintock or in the Sony S50 Manual that a user of McClintock's recording device would want or need additional mobility. Instead, exactly the opposite is expressly stated in McClintock. At column 9, lines 31-36 and at Column 5, lines 55-65, McClintock expressly teaches that there is a specific reason and advantage to provide a wired connection. In particular, McClintock has designed its system to provide a wired connection in order to limit access only to authorized users.

The Sony S50 Manual does not provide any teaching or suggestion that would overcome and directly contradict a specific teaching within McClintock. In particular, nothing in the Sony S50 Manual suggests any advantage, providing McClintock's system with a wireless recorder, that would overcome the benefits that McClintock teaches for a wired recorder, namely the need to prevent unauthorized access. In fact, a Sony S50 tuner has no security capability. The Sony S50 tuner is simply a TV tuner which can tune in to any television signal over a broadcast frequency. There is no security aspect or capability in the Sony S50 TV tuner. Therefore, the suggested modification would entirely prevent McClintock's recorder from limiting access only to authorized users. There is simply NO legitimate reason to modify McClintock's system in

such a manner.

Moreover, the Outstanding Office Action is simply relying upon improper hindsight to make the modification. There is absolutely no discussion in McClintock of any need for a wireless portable recorder. The Sony S50 Manual has absolutely nothing to do with, and is not used in, any application even remotely resembling McClintock's system. The Sony S50 Manual is simply a portable TV tuner. McClintock's system is not a portable TV. McClintock's system is a recording network that is configured to provide users with particular capabilities in connection with producing their own recording by selecting quickly between multiple camera feeds which are co-displayed in a split screen to the user. The functionality and operations of McClintock's recorder are fundamentality different and have nothing to do with simply watching TV on a portable television. Instead, the Office Action is seeking to reconstruct the claimed invention after the benefit of the teachings in the present application. The Office Action is improperly using hindsight to reconstruct the claimed invention after full knowledge of the detailed description of the present application. This type of hindsight reconstruction to piece together totally unrelated prior art references is improper and renders the obviousness rejection deficient.

In view of the foregoing, it is submitted that the outstanding Office Action fails to set forth a prima facie case of obviousness. Therefore, claim 26 is not rendered obvious by the combined teachings of McClintock and the Sony S50 Manual.

Claims 31 and 32 are Not Obvious under 35 USC 103(a) over McClintock in view the Sony S50 Manual and Kelly

It is respectfully submitted that claims 31 and 32 are not rendered obvious by the combined teachings of McClintock, the Sony S50 Manual and Kelly for reasons set forth above in connection with claim 26.

Independent claims 31 and 32 generally concern a portable wireless handheld device to be used at an event by a user while watching the event live (paragraph 9). The portable wireless

handheld device comprises a receiver 60 to receive video content transmitted wirelessly to the receiver 60 (paragraph 29). The video content 14 is generated by a plurality of cameras located at the event and the video content relates to the event (paragraph 21). The device further comprises a user interface 67 that has inputs to permit a user to select the video content 14 from at least one of the plurality of cameras (paragraph 32). Claims 31 and 32 further recite a processor 62 selectably operated by a user to select video content from at least one of the plurality of cameras, and a display 64 to display video content from at least one of the plurality of cameras selected by the user (paragraph 32). The receiver 60 is configured to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the event and choose where to view the video content selected by the user while roaming at the event during the event (paragraph 40).

Claim 31 further recites an optics system 70 that, when directed toward the local event, provides binocular functionality to produce magnified video content separate and independent from the video content produced by the plurality of cameras and received by the receiver 60 (paragraphs 29 and 35). Claim 31 further defines the user interface 67 to have inputs to permit a user to select the video content from at least one of the plurality of cameras and the magnified video content from the optics system, (paragraph 34). Claim 31 further defines the display 64 to display video content from at least one of the plurality of cameras selected by the user and to display the magnified video content from the optics system 70 (paragraph 32).

Claim 32 further recites that the device comprises a digital camera 70, 80, 82, provided in the handheld housing, for capturing at least one of images and video (paragraphs 34 and 44) and that the processor 62 operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, and a digital camera mode (paragraph 47).

As explained above in connection with claim 26, McClintock and the Sony S50 Manual do not teach or suggest to provide a portable wireless handheld device having a receiver **to receive video content transmitted wirelessly to the receiver**. Nor do McClintock and the Sony S50 Manual teach or suggest a portable handheld device having a receiver **to receive the**

video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about. Contrary to the suggestion in the Office Action, the modification to McClintock's system is not simply to attach the TV tuner from the Sony S50 Manual as a wireless receiver to McClintock's recording device 254.

The TV tuner of the Sony S50 Manual could not wirelessly receive multiple video feeds from individual cameras, and the device 254 of McClintock could not create a split screen display of multiple views. The Sony S50 Manual does not have a wireless receiver that could or would receive multiple local video signals from McClintock's multiple cameras. The TV tuner would only receive TV signals over TV broadcast frequencies. McClintock's system would not be permitted to broadcast over TV broadcast frequencies. To do so would violate FCC regulations. Among other things, the suggested combination 1) would render McClintock inoperative for its intended purpose 2) would require McClintock's system to be fundamentally redesigned, 3) has no rational underpinning to make such changes and 4) relies on improper hindsight.

Kelly fails to make up for the deficiency of McClintock and the Sony S50 Manual. Kelly concerns a reconfigurable electronic imaging system with pop-up display. Kelly's device includes an external I/O interface 110 to be connected to various external devices through a physical cable. Kelly does not teach or suggest to include a wireless receiver in the portable device 100. Kelly does not teach or suggest to wirelessly receive multiple local event related video signals at device 100 as explained above in connection with claim 26. Finally, the Office Action is applying improper hindsight to attempt to piece together un-related prior art references to reconstruct the claimed invention.

Thus, claims 31 and 32 are not rendered obvious by the combined teachings of McClintock, the Sony S50 Manual and Kelly.

Claim 33 is Not Obvious under 35 USC 103(a) over McClintock in view the Sony S50 Manual and Kelly

It is respectfully submitted that claim 33 is not rendered obvious by the combined teachings of McClintock, the Sony S50 Manual and Kelly for reasons set forth above in connection with claim 26. Claim 33 concerns a portable wireless handheld device to be used at a local event by a user while watching the local event live (paragraph 46). Claim 33 provides that a remote event occurs simultaneously with the local event and that the remote event occurs at a venue remote from the local event (paragraph 46). Claim 33 defines a portable wireless handheld device that comprises a handheld housing, a receiver 60, a digital camera 70, 80, 82, a user interface 67, a display 64 and a processor 62 (paragraph 29). Each of the foregoing structural elements of the portable wireless handheld device are further defined in claim 33. The receiver 60 is required to receive live local event-related video content and live remote event-related video content (paragraphs 22, 46 and 48). The live local event-related video content is generated by a plurality of cameras located at the local event, while the live remote event-related video content is generated at the remote event and relates to the remote event (paragraphs 24 and 46). The receiver 60 receives both the live local and remote event-related video content while at the local event (paragraph 46). The user interface 67 has inputs to permit the user to select between the live local event-related video content and the live remote event-related video content (paragraphs 34 and 46). The display 64 displays the live local event-related video content when selected and displays the live remote event-related video content when selected (paragraphs 43, 46 and 47).

Claim 33 is not rendered obvious by McClintock, the Sony S50 Manual and Kelly because the Office Action fails to establish a prima facie case of obviousness. First, as explained above in connection with claim 26, the combination of McClintock and the Sony S50 Manual does not render obvious a handheld device with a wireless receiver that receives local event-related video content. The arguments submitted above in connection with claim 26 are incorporated here by reference and are not repeated.

Further, the Office Action recognizes that McClintock "does not disclose a receiver provided in the handheld housing, operable to receive and operate on live remote event-related

video content." Yet the Office Action goes on to maintain the following at page 25 of the Office Action:

> However, Sony S 50 discloses an interface enabled to accept a portable tuner (TGV-3), whereby both GV-S50 and TGV-3 attached together to form one portable unit for tuning to various broadcast signals, thereby wirelessly receiving signals and tuning to channels remote to local venue. (See pages 10 and 27)
>
> Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the system of McClintock with Sony S50 Manual invention, to receive video signals wirelessly from both local and remote venues and enable the user to select amongst local and remote signals in order to enhance the mobility of the viewer/spectator while enhancing the user experience.

The foregoing logic offered in the Office Action has multiple deficiencies. First, the Office Action does **not identify all of the deficiencies of McClintock**. The Office Action concedes that McClintock lacks a wireless receiver in the portable recorder to receive live remote event-related video content. However, the Office Action fails to recognize that McClintock's portable recorder entirely lacks ANY wireless receiver, and thus cannot wirelessly receive live local or remote event-related content. Claim 33 requires that the portable wireless handheld device include a receiver that **wirelessly receives both live local and remote** event-related video content.

As explained above in connection with claim 26, the secondary reference of the Sony S50 Manual does not have a wireless receiver that could or would receive multiple local video signals from McClintock's cameras. The only wireless receiver in the Sony S50 Manual is a TV tuner which would only receive TV signals over TV broadcast frequencies. McClintock's system does not and could not broadcast over TV broadcast frequencies. Television signals are broadcast in a standardized format over frequency ranges that are closely regulated and licensed by the FCC. McClintock could not broadcast McClintock's multiple local video signals, such as for car racing, an amusement park or carnival, over a TV broadcast frequency. To do so would violate FCC regulations. Therefore, the TV tuner in the Sony S50 Manual could not and would not be able to receive one or more local event related video signals from McClintock's cameras at the

local event.

The Office Action provides absolutely no basis for how or why the person of ordinary skill would modify the TV tuner of the Sony S50 Manual to receive both live local and remote video content. Instead, the Office Action simply maintains that it was obvious to add the TV tuner in its original form to McClintock's recording device 254. This reasoning is insufficient. The TV tuner of the Sony S50 Manual could not receive both local and remote content. Further, adding the TV tuner and bypassing McClintock's control station would prevent co-display in a split screen format on the recording device 254.

Further, the Office Action fails to provide an articulated reasoning with a rationale underpinning for the person of ordinary skill to modify McClintock's portable recorder in the numerous manners outlined above to receive, wireless or otherwise, live local and remote event related video content. The sole reasoning offered in the Office Action to modify McClintock is "to enhance the mobility of the view/spectator while enhancing the user experience." However, this reasoning is not sound. The suggested combination would not enhance mobility and would only detract from the user's local experience with McClintock's system.

The suggested modification to McClintock's system could not and would not "enhance mobility." McClintock's portable recorder 254 is connected through a physical cable to the control system in **every single embodiment disclosed or suggested by McClintock.** As outlined above, McClintock's portable recorder **could not include a wireless receiver** to receive local signals directly from the cameras. McClintock's portable recorder 254 must be connected to a physical cable in order to obtain the multiple local event related video signals from cameras at the car race, amusement park, carnival, etc.

The Sony S50 Manual can only receive TV broadcasts wirelessly. McClintock could not broadcast the local event video content over the TV broadcast frequencies. Therefore, the only manner to deliver the McClintock's local event video signals would be through the video input ports that must be connected to a physical cable. Hence, the combination of McClintock and the

Sony S50 Manual would necessarily require that a physical cable remain connected to the recorder in order to obtain any and all local event related video content from McClintock's system. Because a physical cable must be used, the "mobility" of the user would be exactly the same in McClintock's original system and in McClintock's modified system. The alleged modification of McClintock's system to add a TV tuner would **absolutely NOT enhance mobility**. Therefore, the alleged basis to "enhance mobility" does not have a rational underpinning because mobility would not change. Even if modified so that the device received TV programs, McClintock's user must connect a physical cable to the recorder to receive any video signals from the cameras at McClintock's local event.

Further, the alleged modification to McClintock's system to provide remote video content would render McClintock's system inoperative for its intended purpose regarding local event recording. If McClintock's recorder were modified as suggested in the Office Action, the modified recorder could NOT both play a TV program and record participation in the local event by the user, the user's friends and family. When the Office Action was mailed to the undersigned, only 3 pages from the Sony S50 Manual instruction manual were provided with the Office Action, namely the cover page, page 10 and page 27. The Office Action cites to the TV tuner feature described on the 3 pages that were provided. However, the TV tuner feature and the overall operation of the Sony S50 Manual device is described at numerous points throughout the complete instruction manual. When relying on a prior art reference in an obviousness rejection, the teachings of the reference as a whole must be considered. It is improper and inappropriate to consider only statements on 2 or 3 pages out of a 42 page document. The Sony S50 Manual instruction manual is 42 pages long and the full and complete teachings must be considered as a whole.

The undersigned makes this point because on page 28 of the Sony S50 Manual instruction manual (a page not included with the Office Action), the manual clearly states that the Sony S50 Manual device CANNOT be used to record video from one channel while, at the same time, watching another channel. Specifically, the Sony S50 Manual instruction manual

states the following at page 28:

> **When changing the channel while recording**
>
> Set this unit in recording pause mode and then select another channel. You cannot watch another program while recording. (Page 28, middle of the page)

Hence, if McClintock's recording device were modified to include the TV tuner of the Sony S50 Manual device, the user would not be able to record participants in the local event while watching TV. The fundamental and essential objective of McClintock's system is to permit the user to record participation in the event by the user, family and friends. It would be impossible to record participation in the event by the user, family and friends while watching TV. Therefore, if McClintock's system were modified in the alleged manner, it would be entirely inoperative for its intended purpose while watching TV. To sustain an obviousness rejection, the combination of prior art teachings cannot render the system of the primary reference inoperative for its intended purpose. Hence, the suggested modification to McClintock is improper.

Finally, the alleged combination of McClintock and the Sony S50 Manual would NOT enhance McClintock's "user experience". McClintock's "user experience" is centered around affording the user the ability to record **their own participation in events and the participation of their family and friends**. Modifying McClintock's recording device to receive TV stations would NOT in any way enhance McClintock's user's experience in recording participation by the users, their family and friends. Instead, adding a TV tuner would detract from the user experience. An individual would not bring their video recorder to an amusement park or a carnival to record themselves, their children and their friends, and then turn the recorder OFF in order to watch TV. The TV tuner would simply make the recorder heavy and more bulky. Instead, it is submitted that an individual **would entirely disconnect the TV tuner** and leave the TV tuner at home or in the car before bringing the video recorder to an amusement park or a carnival. To suggest otherwise is illogical. It is submitted that TV functionality is simply an

entirely separate and unrelated feature and could only be used after turning OFF a recording of user participation in a local event through McClintock's system. Adding a receiver to receive multiple local signals, reformatting them for co-display and adding TV functionality to McClintock's recorder would increase the cost of McClintock's recorder **without enhancing** the McClintock's user's ability to view and record the participation in the event by the user , the user's family and friends. Thus, there is NO legitimate reason to make so many modifications to McClintock's system.

The tertiary reference to Kelly, which is applied for other reasons, fails to make up for the deficiency of McClintock and the Sony S50 Manual. Kelly concerns a reconfigurable electronic imaging system with pop-up display. Kelly's device includes an external I/O interface 110 to be connected to various external devices through a physical cable. Kelly explains the types of external devices that may be connected to the I/O interface as follows at Col. 5, line 59 to Col. 6, line 8:

> As noted above, the external input/output interface 110 includes any readily available means for providing connection between the portable electronic imaging system 100 and external input or output devices including, but not limited to external video cassette recorders, televisions, video games, computers, headphones, and power supplies. For example, the external interface can include standard electrical connectors for many typical functions of the present invention as may occur to one skilled in the art of electronic imaging systems, and/or the external interface may include a custom connector, such as a video game cartridge port, for providing external input and output functions as well as direct data access to the internal electronic system. A custom connector advantageously provides the benefit of both a consolidated single connection as well as limiting access to particular functions of the portable electronic imaging system 100 by external devices lacking the appropriate mating connector.

Kelly does not teach or suggest to include a wireless receiver in the portable device 100. Kelly does not teach or suggest to wirelessly receive local or remote event related video content. In view of the foregoing, even if the teachings of McClintock, the Sony S50 Manual and Kelly were combined, the combination would not render obvious the claimed portable wireless handheld device having, among other things, a **receiver to wirelessly receive both live local**

and remote event related video content.

In view of the foregoing, it is submitted that a prima facie case of obviousness has not been established. Further, it is submitted that the combined teachings of McClintock, the Sony S50 Manual and Kelly do not render obvious claim 33.

Claim 35 is Not Obvious under 35 USC 103(a) over McClintock in view of the Sony S50 Manual

It is respectfully submitted that claim 35 is not rendered obvious by the combined teachings of McClintock and the Sony S50 Manual. Claim 35 depends from claim 26 and therefore is patentable for reasons set forth above in connection with claim 26.

Moreover, claim 35 further provides that the receiver 60 wirelessly receives live remote event-related video content generated at a remote event and relating to the remote event, the remote event occurring simultaneously with the local event, the remote event occurring at a venue remote from the local event, the display 64 displaying the live remote event-related video content when selected at the user interface (paragraphs 22, 24 and 46). As explained above in connection with claim 33, the combined teachings of McClintock and the Sony S50 Manual do not render obvious a handheld device with the claimed receiver that receives live local and remote event-related video content. As explained above in connection with claim 26, finally, the Office Action is applying improper hindsight to attempt to piece together un-related prior art references to reconstruct the claimed invention. Thus, claim 35 is patentable.

Claims 36 and 37 are Not Obvious under 35 USC 103(a) over McClintock in view of the Sony S50 Manual and Kelly

It is respectfully submitted that claims 36 and 37 are not rendered obvious by the combined teachings of McClintock, the Sony S50 Manual and Kelly. Claims 36 and 37 depend from claims 31 and 32 respectively, and therefore are patentable for reasons set forth herein in connection with claims 31 and 32.

Moreover, claims 36-37 further define the receiver to wirelessly receive live remote event-related video content generated at a remote event. Claims 36-37 clearly define that the remote event-related video content relates to a remote event and that the remote event occurs simultaneously with the local event. The remote event occurs at a venue remote from the local event. Claims 36-37 further provide that the display 64 displays the live remote event-related video content when selected at the user interface 67 (paragraphs 22, 24 and 46). As explained above in connection with claim 33, the combined teachings of McClintock, the Sony S50 Manual and Kelly do not render obvious a receiver that receives live local and remote event-related video content.

As explained above in connection with claim 26, finally, the Office Action is applying improper hindsight to attempt to piece together un-related prior art references to reconstruct the claimed invention. Thus, claims 36 and 37 are patentable.

Claim 34 – Not Obvious under 35 USC 103(a) over McClintock in view of the Sony S50 Manual and Kelly

It is submitted that claim 34 is not rendered obvious by the combined teachings of McClintock in view of the Sony S50 Manual and Kelly. Claim 34 depends from claim 33 and therefore is patentable for reasons set forth above in connection with claim 33.

Claims 38-39 and 42-43 – Not Obvious Over McClintock in view of the Sony S50 Manual and Kelly

It is submitted that claims 38-39 and 42-43 are not rendered obvious based upon the combined teachings of McClintock in view of the Sony S50 Manual and Kelly.

The Office Action fails to set forth a prima facie case of obviousness. The person of ordinary skill would have had NO legitimate reason to modify McClintock in view of the Sony S50 Manual and Kelly in a manner that would render obvious the claimed invention. Claims 38-39 and 42-43 require that the portable wireless handheld device permit the user through the **user**

interface to select between local and remote events, both of which constitute either a **common type of sporting event** or specifically constitutes **football games**. McClintock only permits the recording device to receive local event content. The Sony S50 Manual does not include any discussion of what content may be received by the TV tuner. Kelly simply indicates that a TV may be connected to the portable display without any discussion of what TV content may be displayed. Nowhere does McClintock, the Sony S50 Manual or Kelly teach or suggest that a spectator would have any interest, or that the recording device should display in addition to McClintock's local event, a remote sporting event of a common type or more specifically local and remote football games. The Sony S50 Manual and Kelly fail to makeup for this deficiency of McClintock. As noted above, the Sony S50 Manual and Kelly do not discuss any type of sporting content to display. Thus, McClintock, the Sony S50 Manual and Kelly do not teach or suggest to group live local and remote event content based on common types of events or based on, more specifically, football games as claimed.

As explained above in connection with claim 26, finally, the Office Action is applying improper hindsight to attempt to piece together un-related prior art references to reconstruct the claimed invention. Therefore, claims 38-39 and 42-43 are patentable.

Claims 40 and 41 – Not Obvious Over McClintock in view of the Sony S50 Manual

It is submitted that claims 40 and 41 are not rendered obvious based upon the combined teachings of McClintock in view of the Sony S50 Manual.

The person of ordinary skill would have had NO legitimate reason to modify McClintock in view of the Sony S50 Manual in a manner that would render obvious the claimed invention. Claims 40 and 41 require that the portable wireless handheld device permit the user through the **user interface to select between local and remote events,** both of which constitute either a **common type of sporting event** or specifically constitutes **football games**. McClintock only permits the recording device to receive local event content. The Sony S50 Manual does not include any discussion of what content may be received by the TV tuner. Nowhere does

McClintock, or the Sony S50 Manual teach or suggest that a spectator would have any interest, or that the recording device should display in addition to McClintock's local event, a remote sporting event of a common type or more specifically local and remote football games. The Sony S50 Manual fails to makeup for this deficiency of McClintock. As noted above, the Sony S50 Manual does not discuss any type of sporting content to display. Thus, McClintock and the Sony S50 Manual do not teach or suggest to group live local and remote event content based on common types of events or based on, more specifically, football games as claimed.

As explained above in connection with claim 26, finally, the Office Action is applying improper hindsight to attempt to piece together un-related prior art references to reconstruct the claimed invention. Therefore, claims 40 and 41 are patentable.

Claims 2, 5-6, 9, 11 ,13, 20 and 27-30

Claims 2, 5-6, 9, 11, 13 and 20 depend from claim 26 and thus are patentable for reasons given above in connection with claim 26.

Claims 22, 23

Claims 22 and 23 depend from claim 31 and thus are patentable for reasons given above in connection with claim 31.

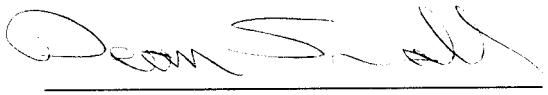
Claims 44 and 45

Claims 44 and 45 depend from claims 33 and 32, respectively, and thus are patentable for reasons given above in connection with claims 33 and 32.

Accordingly, Applicant respectfully requests that the rejection of all pending claims be withdrawn, and the pending claims allowed. A favorable action is respectfully requested.

Respectfully submitted,

Date: November 18, 2009



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VIII. CLAIMS APPENDIX

1. (cancelled)

2. (previously presented) The portable wireless handheld device of claim 26, wherein the receiver is configured to receive audio signals relating to the event, and further comprising an audio component configured to provide event content for listening based upon at least one of the audio signals selected by a user.

3. – 4. (cancelled)

5. (previously presented) The portable wireless handheld device of claim 26, wherein the memory component is controlled by the user interface to access and replay the stored user-designated portion of the event related video content on the display, thereby permitting the user to review again and again, as desired, the stored user-designated portion of the video content independent of new live video content received by the receiver.

6. (previously presented) The portable wireless handheld device of claim 26, wherein the memory component is a removable memory module configured to allow for downloading of the stored user-designated portion of the event content to an external device.

7. – 8. (cancelled)

9. (previously presented) The portable wireless handheld device of claim 26, wherein the processor operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, a digital camera mode and a camcorder mode.

10. (cancelled)

11. (previously presented) The portable wireless handheld device of claim 26, further comprising an optics system provided as part of a housing to capture images of the event when directed toward the event.

12. (cancelled)

13. (previously presented) The portable wireless handheld device of claim 26, further comprising an optics system provided as part of a housing to capture images of the event when directed toward the event, the optics system comprising a charge coupled device and being configured to provide a plurality of magnified modes of operation.

14. – 19. (cancelled)

20. (previously presented) The portable wireless handheld device of claim 26, wherein the display is configured for viewing by a user when engaged with the user's face.

21. (cancelled)

22. (previously presented) The portable wireless handheld device of claim 31, wherein the processor is configured to provide conditional access to the event content based upon a unique access code.

23. (previously presented) The portable wireless handheld device of claim 31, further comprising a user input selectably operable by a user to control the images and sounds provided to the display and audio system.

24. – 25. (cancelled)

26. (previously presented) A portable wireless handheld device to be used at an event by a user while watching the event live, the portable wireless handheld device comprising:

a receiver to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the event, the video content relating to the event;

a user interface having inputs to permit a user to select the video content from at least one of the plurality of cameras and having an input to permit the user to select, for storage in the device, a user-designated portion of the video content from the selected one of the plurality of cameras;

a processor selectably operated by a user to select video content from at least one of the

plurality of cameras;

a display to display video content from at least one of the plurality of cameras selected by the user, wherein the receiver is configured to receive the video content while at the event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the event and choose where to view the video content selected by the user while roaming at the event during the event; and

a memory component to store a user-designated portion of the video content, wherein the user-designated portion of the video content to be stored in the memory component is selected and entered by the user through the user interface.

27. (previously presented) The portable wireless handheld device of claim 26, wherein the user interface permits the user to selectively store single individual images, to be reviewed again and again on the display as desired by the user.

28. (previously presented) The portable wireless handheld device of claim 26, further comprising an optics system that, when directed toward the event, provides binocular functionality, the display displaying video content from the receiver when in a video viewer mode and a magnified view of the event as detected by the optics system when in a binocular mode.

29. (previously presented) The portable wireless handheld device of claim 26, further comprising an optics system that, when directed toward the event, provides binocular functionality, the display displaying a magnified view of the event as detected by the optics system when in a binocular mode, the user interface including inputs to select between different magnification levels at which the magnified view of the event is presented on the display.

30. (previously presented) The portable wireless handheld device of claim 26, further comprising an optics system to detect user-controlled video content separate and independent from the video content produced by the plurality of cameras and received by the receiver.

31. (previously presented) A portable wireless handheld device to be used at a local

event by a user while watching the local event live, the portable wireless handheld device comprising:

a receiver to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the local event, the video content relating to the local event;

an optics system that, when directed toward the local event, provides binocular functionality to produce magnified video content separate and independent from the video content produced by the plurality of cameras and received by the receiver;

a user interface having inputs to permit a user to select the video content from at least one of the plurality of cameras and the magnified video content from the optics system;

a processor selectably operated by a user to select video content from at least one of the plurality of cameras; and

a display to display video content from at least one of the plurality of cameras selected by the user and to display the magnified video content from the optics system, wherein the receiver is configured to receive the video content while at the local event and where the local event is occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view the video content selected by the user while roaming at the local event during the local event.

32. (previously presented) A portable wireless handheld device to be used at a local event by a user while watching the local event live, the portable wireless handheld device comprising:

a receiver to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the local event, the video content relating to the local event;

a digital camera, provided in the handheld housing, for capturing at least one of images

and video;

a processor selectably operated by a user to select video content from at least one of the plurality of cameras;

a user interface having inputs to permit a user to select the video content from at least one of the plurality of cameras, the user interface having inputs to operate the digital camera;

a display to display video content from at least one of the plurality of cameras selected by the user, wherein the receiver is configured to receive the video content while at the local event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view the video content selected by the user while roaming at the event during the local event; and

the processor operating in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, and a digital camera mode.

33. (previously presented) A portable wireless handheld device to be used at a local event by a user while watching the local event live, where a remote event occurs simultaneously with the local event, the remote event occurring at a venue remote from the local event, the portable wireless handheld device comprising:

a handheld housing;

a receiver, provided in the handheld housing, to wirelessly receive live local event-related video content and live remote event-related video content, the live local event-related video content being generated by a plurality of cameras located at the local event and relating to the local event, the live remote event-related video content being generated at the remote event and relating to the remote event, wherein the receiver is configured to receive the live local and remote event-related video content while at the local event and where the local event is occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view a selected one of the live local and remote event-related video content while roaming at the local event during the local event;

a digital camera, provided in the handheld housing, for capturing at least one of images and video;

a user interface, provided on the handheld housing, having inputs to permit a user to select between the live local event-related video content and the live remote event-related video content, the user interface having inputs to operate the digital camera;

a display, the display displaying the live local event-related video content when selected by the user, the display displaying the live remote event-related video content when selected by the user, the display displaying the at least one of images and video captured by the digital camera when selected by the user; and

a processor, provided in the handheld housing, to control operation of the display based on inputs from the user through the user interface.

34. (previously presented) The portable wireless handheld device of claim 33, wherein the processor operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, a binocular viewer mode, a digital camera mode and a camcorder mode.

35. (previously presented) The portable wireless handheld device of claim 26, wherein the receiver wirelessly receives live remote event-related video content generated at a remote event and relating to the remote event, the remote event occurring simultaneously with the local event, the remote event occurring at a venue remote from the local event, the display displaying the live remote event-related video content when selected at the user interface.

36. (previously presented) The portable wireless handheld device of claim 31, wherein the receiver wirelessly receives live remote event-related video content generated at a remote event and relating to the remote event, the remote event occurring simultaneously with the local event, the remote event occurring at a venue remote from the local event, the display displaying the live remote event-related video content when selected at the user interface.

37. (previously presented) The portable wireless handheld device of claim 32, wherein the receiver wirelessly receives live remote event-related video content generated at a remote

event and relating to the remote event, the remote event occurring simultaneously with the local event, the remote event occurring at a venue remote from the local event, the display displaying the live remote event-related video content when selected at the user interface.

38. (previously presented) The portable wireless handheld device of claim 33, wherein the local and remote events constitute a common type of sporting event.

39. (previously presented) The portable wireless handheld device of claim 33, wherein the local and remote events both constitute football games.

40. (previously presented) The portable wireless handheld device of claim 35, wherein the local and remote events constitute a common type of sporting event.

41. (previously presented) The portable wireless handheld device of claim 35, wherein the local and remote events both constitute football games.

42. (previously presented) The portable wireless handheld device of claim 36, wherein the local and remote events constitute a common type of sporting event.

43. (previously presented) The portable wireless handheld device of claim 36, wherein the local and remote events both constitute football games.

44. (previously presented) The portable wireless handheld device of claim 33, wherein the digital camera further comprising a charge coupled device as part of the handheld housing to capture the images of the event when directed toward the event, the charge coupled device being controlled by the processor to provide a zoom capability.

45. (previously presented) The portable wireless handheld device of claim 32, wherein the digital camera further comprising a charge coupled device as part of the handheld housing to capture the images of the event when directed toward the event, the charge coupled device being controlled by the processor to provide a zoom capability.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.